IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4778 OF 2005

Saraswati Bhandari ...Applicant
vs.
State of Maharashtra ...Respondent

Ms Pranali P. Kakade for the Applicant
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 9,2005

P.C.:

1. Heard the learned Advocate for the Applicant and learned A.P.P. for State. The allegation against the Applicant and other co-accused is of commission of offence under Section 302 read with Section 34 of I.P.C. The allegation against the Applicant who is a woman is that her brother poured kerosene on the person of the deceased and the Applicant lighted the match. The deceased suffered 87% burn injuries. The deceased expired due to shock on account of the burn injuries.

2. The learned Advocate for the Applicant pointed out that the Applicant is a woman having no criminal antecedents. She pointed out that the so called dying declaration of the deceased is doubtful, as record shows that about 3 hours prior to recording of the alleged dying declaration she was semi conscious. The Advocate for the Applicant submitted that the statements of important Eye Witnesses have not been recorded and the statement of the three witnesses which ascribe a

specific role to the Applicant are of the persons who are related to the deceased. She submitted that considering the fact that the Applicant is a woman and considering the fact that another co-accused Shakuntala is enlarged on bail, the Applicant deserves to be enlarged on bail. The learned A.P.P. opposed the application by showing relevant material on record.

3. Perusal of the order passed in favour of co-accused Shakuntala shows that the said Shakuntala was ordered to be enlarged on bail on the basis of her old age and as no specific role has been ascribed to her. So far as the Applicant is concerned, the dying declaration records that the Applicant's brother poured kerosene on the person of the deceased and the applicant lighted fire. There are number of statements on record which show complicity of the Applicant in the crime of a very brutal nature. Considering the nature and gravity of offence the Applicant is not entitled to be enlarged on bail. Considering the fact that the Applicant is a woman, trial deserves to be expedited.

4. Application is rejected. If the case is not committed to the court of Sessions, the same shall be done within a period of three weeks from today. The learned Sessions Judge will entrust the trial to the Fast Track Court. The trial shall be concluded as expeditiously as possible and in any event within

six months from today.

JUDGE